

JUDGE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,)	NO. CR05-5506RBL
)	
Plaintiff,)	
)	ORDER GRANTING STIPULATED
vs.)	MOTION TO CONTINUE TRIAL
)	DATE
NICK SWAGERTY,)	
)	
Defendant.)	

Based on the stipulated motion of the parties to continue the trial date, and the affidavit of defense counsel in support of the motion, the Court makes the following findings of fact and conclusions of law:

1. The ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

2. Proceeding to trial absent adequate time for the defense to prepare would result in a miscarriage of justice. 18 U.S.C. §3161(h)(8)(B)(i).

3. The defense needs additional time to explore issues of some complexity, including all relevant issues and defenses applicable to the case, which would make it unreasonable to expect adequate preparation for pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act and currently set for this case. 18 U.S.C. § 3161(h)(8)(B)(ii).

1 4. Taking into account the exercise of due diligence, a continuance is necessary
2 to allow the defendant the reasonable time for effective preparation his defense. 18
3 U.S.C. § 3161(h)(8)(B)(iv).

4 NOW, THEREFORE,

5 IT IS HEREBY ORDERED that the trial date is continued from December 12,
6 2005 to **MARCH 6, 2006, at 9:00 am.** The resulting period of delay from December
7 12, 2005, to March 6, 2006, is hereby excluded for speedy trial purposes under 18
8 U.S.C. § 3161(h)(8)(A) and (B).

9 Pre-trial motions are due no later than January 17, 2006.

10 Pre-trial conference shall be on February 23, 2006, at 9:00 am.

11 IT IS SO ORDERED this 10th day of November, 2005.

12 
RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE

13 Presented By:

14
15
16 /s/ Russell V. Leonard

17 Russell V. Leonard
18 Attorney for Defendant

/s/ Gregory Gruber

Gregory Gruber
Assistant United States Attorney